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Attorneys for Plaintiffs/Cross-Defendants
FIBERTREK, INC.; LAWRENCE P. WAGNER;
and JOHN G. PEERY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FIBERTREK, INC., a Nevada corporation;
LAWRENCE P. WAGNER, an individual;
and JOHN G. PEERY, an individual,

Case No. 5:08-CV-03415-JW

Plaintiffs,

v.

PREFERRED CORPORATE SERVICES,
INC., a Colorado Corporation; DOUGLAS
GREGG, an individual; TDG, LLC,
a Colorado Limited Liability Company;
NEIL SMITH, an individual and
DOES 1-100, inclusive,

Defendants.

AND RELATED CROSS-ACTION

STIPULATION OF PARTIAL DISMISSAL

Pursuant to FRCP 41(a), IT IS HEREBY STIPULATED by and between Plaintiffs, TDG, LLC, NEIL SMITH and all Cross-Defendants, by and through their designated counsel of record, as follows:

(1) Plaintiffs' First Amended Complaint is dismissed as to Defendants TDG, LLC and NEIL SMITH only, without prejudice to the filing by Plaintiffs of the stipulated judgment and enforcing any and all rights and remedies thereto pursuant to the agreement between the parties;

1 (2) NEIL SMITH'S Cross-Complaint is dismissed, with prejudice, as to all Cross-
2 Defendants named therein;

3 (3) All parties to this Stipulation agree to bear their own costs and attorney's fees.

4 Dated: 4/1, 2010

BURKE, WILLIAMS & SORENSEN, LLP

5 By:

6 Douglas W. Dal Cielo

7 Brian M. Affrunti

8 Attorneys for Plaintiffs/Cross-Defendants
FIBERTREK, INC.; LAWRENCE P. WAGNER;
and JOHN G. PEERY

9
10 Dated: 3/31, 2010

LAW OFFICES OF CLAUDIA C. BOHORQUEZ

11 By:

12 Claudia C. Bohorquez

13 Attorney for Defendants

14 NEIL SMITH and TDG, LLC and Cross-
Complainant NEIL SMITH

15
16 Dated: _____, 2010

LAW OFFICES OF ROBERT J. HUSTON III

17 By:

18 Robert J. Huston III

19 Attorney for Cross-Defendants JAMES E.
20 SHIPLEY; ASSET CAPITAL GROUP, INC.;
21 CORPORATE SECURITIES, INC.; RUSSELL
22 KIDDER; and GEORGE ROTH

between the parties;

- (2) NEIL SMITH'S Cross-Complaint is dismissed, with prejudice, as to all Cross-Defendants named therein;
- (3) All parties to this Stipulation agree to bear their own costs and attorney's fees.

Dated: _____, 2010

BURKE, WILLIAMS & SORENSEN, LLP

By:

Douglas W. Dal Cielo
Brian M. Affrunti
Attorneys for Plaintiffs/Cross-Defendants
FIBERTREK, INC.; LAWRENCE P. WAGNER;
and JOHN G. PEERY

Dated: _____, 2010

LAW OFFICES OF CLAUDIA C. BOHORQUEZ

By:

Claudia C. Bohorquez
Attorney for Defendants
NEIL SMITH and TDG, LLC and Cross-
Complainant NEIL SMITH

Dated: March 31, 2010

LAW OFFICES OF ROBERT J. HUSTON III

By:

Robert J. Huston III
Robert J. Huston III
Attorney for Cross-Defendants JAMES E.
SHIPLEY; ASSET CAPITAL GROUP, INC.;
CORPORATE SECURITIES, INC.; RUSSELL
KIDDER; and GEORGE ROTH

*** ORDER ***

In light of this Stipulated Partial Dismissal, the Court VACATES the April 2, 2010 hearing on Order to Show Cause re: Settlement as to these settling parties. The Clerk of Court shall terminate the parties from the docket accordingly.

Dated: April 1, 2010

James Ware
JAMES WARE
United States District Judge